



February 14, 2003

SENATE BILL No. 430

DIGEST OF SB 430 (Updated February 13, 2003 10:43 AM - DI 102)

Citations Affected: IC 22-3.

Synopsis: Worker's compensation. Increases the maximum weekly benefits for temporary total disability, permanent total disability, and temporary partial disability for worker's compensation and occupational disease over a four year term, beginning July 1, 2003. Requires the worker's compensation board to amend its rules to provide for increased attorney's fees for claims before the board.

Effective: Upon passage; July 1, 2003.

Harrison, Craycraft

January 21, 2003, read first time and referred to Committee on Pensions and Labor.
February 13, 2003, amended, reported favorably — Do Pass.

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SB 430—LS 7803/DI 102+



February 14, 2003

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

SENATE BILL No. 430

A BILL FOR AN ACT to amend the Indiana Code concerning labor and industrial safety.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 22-3-1-4 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: **Sec. 4. (a) As used in this section, "attorney's**
4 **fees" means the fees requested for compensation for service**
5 **provided by an attorney to a claimant under the worker's**
6 **compensation law and the worker's occupational diseases law as**
7 **provided under section 3(b)(3) of this chapter.**

8 **(b) As used in this section, "board" refers to the worker's**
9 **compensation board established under section 1 of this chapter.**

10 **(c) As used in this section, "claim" refers to a claim for**
11 **compensation under IC 22-3-2 through IC 22-3-7 filed with the**
12 **board.**

13 **(d) The board shall adopt rules under IC 4-22-2 to amend its**
14 **schedule of attorney's fees applicable to all claims filed on or after**
15 **September 1, 2003, except as provided in subsection (e), to reflect**
16 **the following attorney's fees:**

17 **(1) A minimum of one hundred dollars (\$100).**

SB 430—LS 7803/DI 102+



1 **(2) Twenty percent (20%) of the first ten thousand dollars**
 2 **(\$10,000) of recovery.**

3 **(3) Fifteen percent (15%) of the second ten thousand dollars**
 4 **(\$10,000) of recovery.**

5 **(4) Ten percent (10%) of recovery over twenty thousand**
 6 **dollars (\$20,000).**

7 **(e) The board maintains continuing jurisdiction over all**
 8 **attorney's fees in claims before the board and may order a**
 9 **different attorney's fee schedule or allowance for a claim.**

10 SECTION 2. IC 22-3-3-22, AS AMENDED BY P.L.31-2000,
 11 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2003]: Sec. 22. (a) In computing the compensation under this
 13 law with respect to injuries occurring on and after April 1, 1963, and
 14 prior to April 1, 1965, the average weekly wages shall be considered
 15 to be not more than seventy dollars (\$70) nor less than thirty dollars
 16 (\$30). In computing the compensation under this law with respect to
 17 injuries occurring on and after April 1, 1965, and prior to April 1,
 18 1967, the average weekly wages shall be considered to be not more
 19 than seventy-five dollars (\$75) and not less than thirty dollars (\$30). In
 20 computing the compensation under this law with respect to injuries
 21 occurring on and after April 1, 1967, and prior to April 1, 1969, the
 22 average weekly wages shall be considered to be not more than
 23 eighty-five dollars (\$85) and not less than thirty-five dollars (\$35). In
 24 computing the compensation under this law with respect to injuries
 25 occurring on and after April 1, 1969, and prior to July 1, 1971, the
 26 average weekly wages shall be considered to be not more than
 27 ninety-five dollars (\$95) and not less than thirty-five dollars (\$35). In
 28 computing the compensation under this law with respect to injuries
 29 occurring on and after July 1, 1971, and prior to July 1, 1974, the
 30 average weekly wages shall be considered to be: (A) Not more than: (1)
 31 one hundred dollars (\$100) if no dependents; (2) one hundred five
 32 dollars (\$105) if one (1) dependent; (3) one hundred ten dollars (\$110)
 33 if two (2) dependents; (4) one hundred fifteen dollars (\$115) if three
 34 (3) dependents; (5) one hundred twenty dollars (\$120) if four (4)
 35 dependents; and (6) one hundred twenty-five dollars (\$125) if five (5)
 36 or more dependents; and (B) Not less than thirty-five dollars (\$35). In
 37 computing compensation for temporary total disability, temporary
 38 partial disability, and total permanent disability under this law with
 39 respect to injuries occurring on and after July 1, 1974, and before July
 40 1, 1976, the average weekly wages shall be considered to be (A) not
 41 more than one hundred thirty-five dollars (\$135), and (B) not less than
 42 seventy-five dollars (\$75). However, the weekly compensation payable

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shall in no case exceed the average weekly wages of the employee at the time of the injury. In computing compensation for temporary total disability, temporary partial disability and total permanent disability under this law with respect to injuries occurring on and after July 1, 1976, and before July 1, 1977, the average weekly wages shall be considered to be (1) not more than one hundred fifty-six dollars (\$156) and (2) not less than seventy-five dollars (\$75). However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury. In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1977, and before July 1, 1979, the average weekly wages are considered to be (1) not more than one hundred eighty dollars (\$180); and (2) not less than seventy-five dollars (\$75). However, the weekly compensation payable may not exceed the average weekly wages of the employee at the time of the injury. In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1979, and before July 1, 1980, the average weekly wages are considered to be (1) not more than one hundred ninety-five dollars (\$195), and (2) not less than seventy-five dollars (\$75). However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury. In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1980, and before July 1, 1983, the average weekly wages are considered to be (1) not more than two hundred ten dollars (\$210), and (2) not less than seventy-five dollars (\$75). However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury. In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1983, and before July 1, 1984, the average weekly wages are considered to be (1) not more than two hundred thirty-four dollars (\$234) and (2) not less than seventy-five dollars (\$75). However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury. In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1984, and before July 1, 1985, the average weekly wages are considered to be (1) not more than two hundred forty-nine dollars (\$249) and (2) not less than seventy-five



dollars (\$75). However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury. In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1985, and before July 1, 1986, the average weekly wages are considered to be (1) not more than two hundred sixty-seven dollars (\$267) and (2) not less than seventy-five dollars (\$75). However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury. In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1986, and before July 1, 1988, the average weekly wages are considered to be (1) not more than two hundred eighty-five dollars (\$285) and (2) not less than seventy-five dollars (\$75). However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury. In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1988, and before July 1, 1989, the average weekly wages are considered to be (1) not more than three hundred eighty-four dollars (\$384) and (2) not less than seventy-five dollars (\$75). However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1989, and before July 1, 1990, the average weekly wages are considered to be (1) not more than four hundred eleven dollars (\$411) and (2) not less than seventy-five dollars (\$75). However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1990, and before July 1, 1991, the average weekly wages are considered to be (1) not more than four hundred forty-one dollars (\$441) and (2) not less than seventy-five dollars (\$75). However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1991, and before July 1, 1992, the

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average weekly wages are considered to be (1) not more than four hundred ninety-two dollars (\$492) and (2) not less than seventy-five dollars (\$75). However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1992, and before July 1, 1993, the average weekly wages are considered to be (1) not more than five hundred forty dollars (\$540) and (2) not less than seventy-five dollars (\$75). However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1993, and before July 1, 1994, the average weekly wages are considered to be (1) not more than five hundred ninety-one dollars (\$591) and (2) not less than seventy-five dollars (\$75). However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1994, and before July 1, 1997, the average weekly wages are considered to be (1) not more than six hundred forty-two dollars (\$642) and (2) not less than seventy-five dollars (\$75). However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

(b) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, the average weekly wages are considered to be:

(1) with respect to injuries occurring on and after July 1, 1997, and before July 1, 1998:

(A) not more than six hundred seventy-two dollars (\$672); and

(B) not less than seventy-five dollars (\$75);

(2) with respect to injuries occurring on and after July 1, 1998, and before July 1, 1999:

(A) not more than seven hundred two dollars (\$702); and

(B) not less than seventy-five dollars (\$75);

(3) with respect to injuries occurring on and after July 1, 1999, and before July 1, 2000:

(A) not more than seven hundred thirty-two dollars (\$732);



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- 1 and
 2 (B) not less than seventy-five dollars (\$75);
 3 (4) with respect to injuries occurring on and after July 1, 2000,
 4 and before July 1, 2001:
 5 (A) not more than seven hundred sixty-two dollars (\$762); and
 6 (B) not less than seventy-five dollars (\$75);
 7 (5) with respect to injuries occurring on and after July 1, 2001,
 8 and before July 1, 2002:
 9 (A) not more than eight hundred twenty-two dollars (\$822);
 10 and
 11 (B) not less than seventy-five dollars (\$75); ~~and~~
 12 (6) with respect to injuries occurring on and after July 1, 2002,
 13 **and before July 1, 2003:**
 14 (A) not more than eight hundred eighty-two dollars (\$882);
 15 and
 16 (B) not less than seventy-five dollars (\$75);
 17 **(7) with respect to injuries occurring on and after July 1,**
 18 **2003, and before July 1, 2004:**
 19 (A) not more than nine hundred fifteen dollars (\$915); and
 20 (B) not less than seventy-five dollars (\$75);
 21 **(8) with respect to injuries occurring on and after July 1,**
 22 **2004, and before July 1, 2005:**
 23 (A) not more than nine hundred fifty-four dollars (\$954);
 24 and
 25 (B) not less than seventy-five dollars (\$75);
 26 **(9) with respect to injuries occurring on and after July 1,**
 27 **2005, and before July 1, 2006:**
 28 (A) not more than nine hundred ninety dollars (\$990); and
 29 (B) not less than seventy-five dollars (\$75); and
 30 **(10) with respect to injuries occurring on and after July 1,**
 31 **2006:**
 32 (A) not more than one thousand thirty-two dollars
 33 (\$1,032); and
 34 (B) not less than seventy-five dollars (\$75).

35 However, the weekly compensation payable shall not exceed the
 36 average weekly wages of the employee at the time of the injury.

37 (c) For the purpose of this section only and with respect to injuries
 38 occurring on and after July 1, 1971, and prior to July 1, 1974, only, the
 39 term "dependent" as used in this section shall mean persons defined as
 40 presumptive dependents under section 19 of this chapter, except that
 41 such dependency shall be determined as of the date of the injury to the
 42 employee.



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(d) With respect to any injury occurring on and after April 1, 1955, and prior to April 1, 1957, the maximum compensation exclusive of medical benefits, which shall be paid for an injury under any provisions of this law or under any combination of its provisions shall not exceed twelve thousand five hundred dollars (\$12,500) in any case. With respect to any injury occurring on and after April 1, 1957 and prior to April 1, 1963, the maximum compensation exclusive of medical benefits, which shall be paid for an injury under any provision of this law or under any combination of its provisions shall not exceed fifteen thousand dollars (\$15,000) in any case. With respect to any injury occurring on and after April 1, 1963, and prior to April 1, 1965, the maximum compensation exclusive of medical benefits, which shall be paid for an injury under any provision of this law or under any combination of its provisions shall not exceed sixteen thousand five hundred dollars (\$16,500) in any case. With respect to any injury occurring on and after April 1, 1965, and prior to April 1, 1967, the maximum compensation exclusive of medical benefits which shall be paid for any injury under any provision of this law or any combination of provisions shall not exceed twenty thousand dollars (\$20,000) in any case. With respect to any injury occurring on and after April 1, 1967, and prior to July 1, 1971, the maximum compensation exclusive of medical benefits which shall be paid for an injury under any provision of this law or any combination of provisions shall not exceed twenty-five thousand dollars (\$25,000) in any case. With respect to any injury occurring on and after July 1, 1971, and prior to July 1, 1974, the maximum compensation exclusive of medical benefits which shall be paid for any injury under any provision of this law or any combination of provisions shall not exceed thirty thousand dollars (\$30,000) in any case. With respect to any injury occurring on and after July 1, 1974, and before July 1, 1976, the maximum compensation exclusive of medical benefits which shall be paid for an injury under any provision of this law or any combination of provisions shall not exceed forty-five thousand dollars (\$45,000) in any case. With respect to an injury occurring on and after July 1, 1976, and before July 1, 1977, the maximum compensation, exclusive of medical benefits, which shall be paid for any injury under any provision of this law or any combination of provisions shall not exceed fifty-two thousand dollars (\$52,000) in any case. With respect to any injury occurring on and after July 1, 1977, and before July 1, 1979, the maximum compensation, exclusive of medical benefits, which may be paid for an injury under any provision of this law or any combination of provisions may not exceed sixty thousand dollars (\$60,000) in any case. With respect to any injury



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1 occurring on and after July 1, 1979, and before July 1, 1980, the
2 maximum compensation, exclusive of medical benefits, which may be
3 paid for an injury under any provisions of this law or any combination
4 of provisions may not exceed sixty-five thousand dollars (\$65,000) in
5 any case. With respect to any injury occurring on and after July 1,
6 1980, and before July 1, 1983, the maximum compensation, exclusive
7 of medical benefits, which may be paid for an injury under any
8 provisions of this law or any combination of provisions may not exceed
9 seventy thousand dollars (\$70,000) in any case. With respect to any
10 injury occurring on and after July 1, 1983, and before July 1, 1984, the
11 maximum compensation, exclusive of medical benefits, which may be
12 paid for an injury under any provisions of this law or any combination
13 of provisions may not exceed seventy-eight thousand dollars (\$78,000)
14 in any case. With respect to any injury occurring on and after July 1,
15 1984, and before July 1, 1985, the maximum compensation, exclusive
16 of medical benefits, which may be paid for an injury under any
17 provisions of this law or any combination of provisions may not exceed
18 eighty-three thousand dollars (\$83,000) in any case. With respect to
19 any injury occurring on and after July 1, 1985, and before July 1, 1986,
20 the maximum compensation, exclusive of medical benefits, which may
21 be paid for an injury under any provisions of this law or any
22 combination of provisions may not exceed eighty-nine thousand dollars
23 (\$89,000) in any case. With respect to any injury occurring on and after
24 July 1, 1986, and before July 1, 1988, the maximum compensation,
25 exclusive of medical benefits, which may be paid for an injury under
26 any provisions of this law or any combination of provisions may not
27 exceed ninety-five thousand dollars (\$95,000) in any case. With respect
28 to any injury occurring on and after July 1, 1988, and before July 1,
29 1989, the maximum compensation, exclusive of medical benefits,
30 which may be paid for an injury under any provisions of this law or any
31 combination of provisions may not exceed one hundred twenty-eight
32 thousand dollars (\$128,000) in any case.

33 With respect to any injury occurring on and after July 1, 1989, and
34 before July 1, 1990, the maximum compensation, exclusive of medical
35 benefits, which may be paid for an injury under any provisions of this
36 law or any combination of provisions may not exceed one hundred
37 thirty-seven thousand dollars (\$137,000) in any case.

38 With respect to any injury occurring on and after July 1, 1990, and
39 before July 1, 1991, the maximum compensation, exclusive of medical
40 benefits, which may be paid for an injury under any provisions of this
41 law or any combination of provisions may not exceed one hundred
42 forty-seven thousand dollars (\$147,000) in any case.



1 With respect to any injury occurring on and after July 1, 1991, and
 2 before July 1, 1992, the maximum compensation, exclusive of medical
 3 benefits, that may be paid for an injury under any provisions of this law
 4 or any combination of provisions may not exceed one hundred
 5 sixty-four thousand dollars (\$164,000) in any case.

6 With respect to any injury occurring on and after July 1, 1992, and
 7 before July 1, 1993, the maximum compensation, exclusive of medical
 8 benefits, that may be paid for an injury under any provisions of this law
 9 or any combination of provisions may not exceed one hundred eighty
 10 thousand dollars (\$180,000) in any case.

11 With respect to any injury occurring on and after July 1, 1993, and
 12 before July 1, 1994, the maximum compensation, exclusive of medical
 13 benefits, that may be paid for an injury under any provisions of this law
 14 or any combination of provisions may not exceed one hundred
 15 ninety-seven thousand dollars (\$197,000) in any case.

16 With respect to any injury occurring on and after July 1, 1994, and
 17 before July 1, 1997, the maximum compensation, exclusive of medical
 18 benefits, which may be paid for an injury under any provisions of this
 19 law or any combination of provisions may not exceed two hundred
 20 fourteen thousand dollars (\$214,000) in any case.

21 (e) The maximum compensation, exclusive of medical benefits, that
 22 may be paid for an injury under any provision of this law or any
 23 combination of provisions may not exceed the following amounts in
 24 any case:

25 (1) With respect to an injury occurring on and after July 1, 1997,
 26 and before July 1, 1998, two hundred twenty-four thousand
 27 dollars (\$224,000).

28 (2) With respect to an injury occurring on and after July 1, 1998,
 29 and before July 1, 1999, two hundred thirty-four thousand dollars
 30 (\$234,000).

31 (3) With respect to an injury occurring on and after July 1, 1999,
 32 and before July 1, 2000, two hundred forty-four thousand dollars
 33 (\$244,000).

34 (4) With respect to an injury occurring on and after July 1, 2000,
 35 and before July 1, 2001, two hundred fifty-four thousand dollars
 36 (\$254,000).

37 (5) With respect to an injury occurring on and after July 1, 2001,
 38 and before July 1, 2002, two hundred seventy-four thousand
 39 dollars (\$274,000).

40 (6) With respect to an injury occurring on and after July 1, 2002,
 41 **and before July 1, 2003**, two hundred ninety-four thousand
 42 dollars (\$294,000).



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(7) With respect to an injury occurring on and after July 1, 2003, and before July 1, 2004, three hundred five thousand dollars (\$305,000).

(8) With respect to an injury occurring on and after July 1, 2004, and before July 1, 2005, three hundred eighteen thousand dollars (\$318,000).

(9) With respect to an injury occurring on and after July 1, 2005, and before July 1, 2006, three hundred thirty thousand dollars (\$330,000).

(10) With respect to an injury occurring on and after July 1, 2006, three hundred forty-four thousand dollars (\$344,000).

SECTION 3. IC 22-3-7-19, AS AMENDED BY P.L.31-2000, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 19. (a) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability under this law with respect to occupational diseases occurring:

(1) on and after July 1, 1974, and before July 1, 1976, the average weekly wages shall be considered to be:

(A) not more than one hundred thirty-five dollars (\$135); and

(B) not less than seventy-five dollars (\$75);

(2) on and after July 1, 1976, and before July 1, 1977, the average weekly wages shall be considered to be:

(A) not more than one hundred fifty-six dollars (\$156); and

(B) not less than seventy-five dollars (\$75);

(3) on and after July 1, 1977, and before July 1, 1979, the average weekly wages are considered to be:

(A) not more than one hundred eighty dollars (\$180); and

(B) not less than seventy-five dollars (\$75);

(4) on and after July 1, 1979, and before July 1, 1980, the average weekly wages are considered to be:

(A) not more than one hundred ninety-five dollars (\$195); and

(B) not less than seventy-five dollars (\$75);

(5) on and after July 1, 1980, and before July 1, 1983, the average weekly wages are considered to be:

(A) not more than two hundred ten dollars (\$210); and

(B) not less than seventy-five dollars (\$75);

(6) on and after July 1, 1983, and before July 1, 1984, the average weekly wages are considered to be:

(A) not more than two hundred thirty-four dollars (\$234); and

(B) not less than seventy-five dollars (\$75); and

(7) on and after July 1, 1984, and before July 1, 1985, the average

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1 weekly wages are considered to be:

2 (A) not more than two hundred forty-nine dollars (\$249); and

3 (B) not less than seventy-five dollars (\$75).

4 (b) In computing compensation for temporary total disability,
5 temporary partial disability, and total permanent disability, with respect
6 to occupational diseases occurring on and after July 1, 1985, and before
7 July 1, 1986, the average weekly wages are considered to be:

8 (1) not more than two hundred sixty-seven dollars (\$267); and

9 (2) not less than seventy-five dollars (\$75).

10 (c) In computing compensation for temporary total disability,
11 temporary partial disability, and total permanent disability, with respect
12 to occupational diseases occurring on and after July 1, 1986, and before
13 July 1, 1988, the average weekly wages are considered to be:

14 (1) not more than two hundred eighty-five dollars (\$285); and

15 (2) not less than seventy-five dollars (\$75).

16 (d) In computing compensation for temporary total disability,
17 temporary partial disability, and total permanent disability, with respect
18 to occupational diseases occurring on and after July 1, 1988, and before
19 July 1, 1989, the average weekly wages are considered to be:

20 (1) not more than three hundred eighty-four dollars (\$384); and

21 (2) not less than seventy-five dollars (\$75).

22 (e) In computing compensation for temporary total disability,
23 temporary partial disability, and total permanent disability, with respect
24 to occupational diseases occurring on and after July 1, 1989, and before
25 July 1, 1990, the average weekly wages are considered to be:

26 (1) not more than four hundred eleven dollars (\$411); and

27 (2) not less than seventy-five dollars (\$75).

28 (f) In computing compensation for temporary total disability,
29 temporary partial disability, and total permanent disability, with respect
30 to occupational diseases occurring on and after July 1, 1990, and before
31 July 1, 1991, the average weekly wages are considered to be:

32 (1) not more than four hundred forty-one dollars (\$441); and

33 (2) not less than seventy-five dollars (\$75).

34 (g) In computing compensation for temporary total disability,
35 temporary partial disability, and total permanent disability, with respect
36 to occupational diseases occurring on and after July 1, 1991, and before
37 July 1, 1992, the average weekly wages are considered to be:

38 (1) not more than four hundred ninety-two dollars (\$492); and

39 (2) not less than seventy-five dollars (\$75).

40 (h) In computing compensation for temporary total disability,
41 temporary partial disability, and total permanent disability, with respect
42 to occupational diseases occurring on and after July 1, 1992, and before

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July 1, 1993, the average weekly wages are considered to be:

(1) not more than five hundred forty dollars (\$540); and

(2) not less than seventy-five dollars (\$75).

(i) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1993, and before July 1, 1994, the average weekly wages are considered to be:

(1) not more than five hundred ninety-one dollars (\$591); and

(2) not less than seventy-five dollars (\$75).

(j) In computing compensation for temporary total disability, temporary partial disability and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1994, and before July 1, 1997, the average weekly wages are considered to be:

(1) not more than six hundred forty-two dollars (\$642); and

(2) not less than seventy-five dollars (\$75).

(k) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, the average weekly wages are considered to be:

(1) with respect to occupational diseases occurring on and after July 1, 1997, and before July 1, 1998:

(A) not more than six hundred seventy-two dollars (\$672); and

(B) not less than seventy-five dollars (\$75);

(2) with respect to occupational diseases occurring on and after July 1, 1998, and before July 1, 1999:

(A) not more than seven hundred two dollars (\$702); and

(B) not less than seventy-five dollars (\$75);

(3) with respect to occupational diseases occurring on and after July 1, 1999, and before July 1, 2000:

(A) not more than seven hundred thirty-two dollars (\$732);

and

(B) not less than seventy-five dollars (\$75);

(4) with respect to occupational diseases occurring on and after July 1, 2000, and before July 1, 2001:

(A) not more than seven hundred sixty-two dollars (\$762); and

(B) not less than seventy-five dollars (\$75);

(5) with respect to ~~disabilities~~ **occupational diseases** occurring on and after July 1, 2001, and before July 1, 2002:

(A) not more than eight hundred twenty-two dollars (\$822);

and

(B) not less than seventy-five dollars (\$75); ~~and~~

(6) with respect to ~~disabilities~~ **occupational diseases** occurring on and after July 1, 2002, **and before July 1, 2003:**



- 1 (A) not more than eight hundred eighty-two dollars (\$882);
 2 and
 3 (B) not less than seventy-five dollars (\$75);
 4 **(7) with respect to occupational diseases occurring on and**
 5 **after July 1, 2003, and before July 1, 2004:**
 6 (A) not more than nine hundred fifteen dollars (\$915); and
 7 (B) not less than seventy-five dollars (\$75);
 8 **(8) with respect to occupational diseases occurring on and**
 9 **after July 1, 2004, and before July 1, 2005:**
 10 (A) not more than nine hundred fifty-four dollars (\$954);
 11 and
 12 (B) not less than seventy-five dollars (\$75);
 13 **(9) with respect to occupational diseases occurring on and**
 14 **after July 1, 2005, and before July 1, 2006:**
 15 (A) not more than nine hundred ninety dollars (\$990); and
 16 (B) not less than seventy-five dollars (\$75); and
 17 **(10) with respect to occupational diseases occurring on and**
 18 **after July 1, 2006:**
 19 (A) not more than one thousand thirty-two dollars
 20 (\$1,032); and
 21 (B) not less than seventy-five dollars (\$75).
 22 (l) The maximum compensation that shall be paid for occupational
 23 disease and its results under any one (1) or more provisions of this
 24 chapter with respect to disability or death occurring:
 25 (1) on and after July 1, 1974, and before July 1, 1976, shall not
 26 exceed forty-five thousand dollars (\$45,000) in any case;
 27 (2) on and after July 1, 1976, and before July 1, 1977, shall not
 28 exceed fifty-two thousand dollars (\$52,000) in any case;
 29 (3) on and after July 1, 1977, and before July 1, 1979, may not
 30 exceed sixty thousand dollars (\$60,000) in any case;
 31 (4) on and after July 1, 1979, and before July 1, 1980, may not
 32 exceed sixty-five thousand dollars (\$65,000) in any case;
 33 (5) on and after July 1, 1980, and before July 1, 1983, may not
 34 exceed seventy thousand dollars (\$70,000) in any case;
 35 (6) on and after July 1, 1983, and before July 1, 1984, may not
 36 exceed seventy-eight thousand dollars (\$78,000) in any case; and
 37 (7) on and after July 1, 1984, and before July 1, 1985, may not
 38 exceed eighty-three thousand dollars (\$83,000) in any case.
 39 (m) The maximum compensation with respect to disability or death
 40 occurring on and after July 1, 1985, and before July 1, 1986, which
 41 shall be paid for occupational disease and the results thereof under the
 42 provisions of this chapter or under any combination of its provisions

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1 may not exceed eighty-nine thousand dollars (\$89,000) in any case.
2 The maximum compensation with respect to disability or death
3 occurring on and after July 1, 1986, and before July 1, 1988, which
4 shall be paid for occupational disease and the results thereof under the
5 provisions of this chapter or under any combination of its provisions
6 may not exceed ninety-five thousand dollars (\$95,000) in any case. The
7 maximum compensation with respect to disability or death occurring
8 on and after July 1, 1988, and before July 1, 1989, that shall be paid for
9 occupational disease and the results thereof under this chapter or under
10 any combination of its provisions may not exceed one hundred
11 twenty-eight thousand dollars (\$128,000) in any case.

12 (n) The maximum compensation with respect to disability or death
13 occurring on and after July 1, 1989, and before July 1, 1990, that shall
14 be paid for occupational disease and the results thereof under this
15 chapter or under any combination of its provisions may not exceed one
16 hundred thirty-seven thousand dollars (\$137,000) in any case.

17 (o) The maximum compensation with respect to disability or death
18 occurring on and after July 1, 1990, and before July 1, 1991, that shall
19 be paid for occupational disease and the results thereof under this
20 chapter or under any combination of its provisions may not exceed one
21 hundred forty-seven thousand dollars (\$147,000) in any case.

22 (p) The maximum compensation with respect to disability or death
23 occurring on and after July 1, 1991, and before July 1, 1992, that shall
24 be paid for occupational disease and the results thereof under this
25 chapter or under any combination of the provisions of this chapter may
26 not exceed one hundred sixty-four thousand dollars (\$164,000) in any
27 case.

28 (q) The maximum compensation with respect to disability or death
29 occurring on and after July 1, 1992, and before July 1, 1993, that shall
30 be paid for occupational disease and the results thereof under this
31 chapter or under any combination of the provisions of this chapter may
32 not exceed one hundred eighty thousand dollars (\$180,000) in any case.

33 (r) The maximum compensation with respect to disability or death
34 occurring on and after July 1, 1993, and before July 1, 1994, that shall
35 be paid for occupational disease and the results thereof under this
36 chapter or under any combination of the provisions of this chapter may
37 not exceed one hundred ninety-seven thousand dollars (\$197,000) in
38 any case.

39 (s) The maximum compensation with respect to disability or death
40 occurring on and after July 1, 1994, and before July 1, 1997, that shall
41 be paid for occupational disease and the results thereof under this
42 chapter or under any combination of the provisions of this chapter may



not exceed two hundred fourteen thousand dollars (\$214,000) in any case.

(t) The maximum compensation that shall be paid for occupational disease and the results of an occupational disease under this chapter or under any combination of the provisions of this chapter may not exceed the following amounts in any case:

(1) With respect to disability or death occurring on and after July 1, 1997, and before July 1, 1998, two hundred twenty-four thousand dollars (\$224,000).

(2) With respect to disability or death occurring on and after July 1, 1998, and before July 1, 1999, two hundred thirty-four thousand dollars (\$234,000).

(3) With respect to disability or death occurring on and after July 1, 1999, and before July 1, 2000, two hundred forty-four thousand dollars (\$244,000).

(4) With respect to disability or death occurring on and after July 1, 2000, and before July 1, 2001, two hundred fifty-four thousand dollars (\$254,000).

(5) With respect to disability or death occurring on and after July 1, 2001, and before July 1, 2002, two hundred seventy-four thousand dollars (\$274,000).

(6) With respect to disability or death occurring on and after July 1, 2002, **and before July 1, 2003**, two hundred ninety-four thousand dollars (\$294,000).

(7) With respect to disability or death occurring on and after July 1, 2003, and before July 1, 2004, three hundred five thousand dollars (\$305,000).

(8) With respect to disability or death occurring on and after July 1, 2004, and before July 1, 2005, three hundred eighteen thousand dollars (\$318,000).

(9) With respect to disability or death occurring on and after July 1, 2005, and before July 1, 2006, three hundred thirty thousand dollars (\$330,000).

(10) With respect to disability or death occurring on and after July 1, 2006, three hundred forty-four thousand dollars (\$344,000).

(u) For all disabilities occurring before July 1, 1985, "average weekly wages" shall mean the earnings of the injured employee in the employment in which the employee was working at the time of the last exposure during the period of fifty-two (52) weeks immediately preceding the last day of the last exposure divided by fifty-two (52). If the employee lost seven (7) or more calendar days during the period,

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1 although not in the same week, then the earnings for the remainder of
 2 the fifty-two (52) weeks shall be divided by the number of weeks and
 3 parts thereof remaining after the time lost has been deducted. Where
 4 the employment prior to the last day of the last exposure extended over
 5 a period of less than fifty-two (52) weeks, the method of dividing the
 6 earnings during that period by the number of weeks and parts thereof
 7 during which the employee earned wages shall be followed if results
 8 just and fair to both parties will be obtained. Where by reason of the
 9 shortness of the time during which the employee has been in the
 10 employment of the employer or of the casual nature or terms of the
 11 employment it is impracticable to compute the average weekly wages
 12 as above defined, regard shall be had to the average weekly amount
 13 which, during the fifty-two (52) weeks previous to the last day of the
 14 last exposure, was being earned by a person in the same grade
 15 employed at the same work by the same employer, or if there is no
 16 person so employed, by a person in the same grade employed in that
 17 same class of employment in the same district. Whenever allowances
 18 of any character are made to an employee in lieu of wages or a
 19 specified part of the wage contract, they shall be deemed a part of the
 20 employee's earnings.

21 (v) For all disabilities occurring on and after July 1, 1985, "average
 22 weekly wages" means the earnings of the injured employee during the
 23 period of fifty-two (52) weeks immediately preceding the disability
 24 divided by fifty-two (52). If the employee lost seven (7) or more
 25 calendar days during the period, although not in the same week, then
 26 the earnings for the remainder of the fifty-two (52) weeks shall be
 27 divided by the number of weeks and parts of weeks remaining after the
 28 time lost has been deducted. If employment before the date of disability
 29 extended over a period of less than fifty-two (52) weeks, the method of
 30 dividing the earnings during that period by the number of weeks and
 31 parts of weeks during which the employee earned wages shall be
 32 followed if results just and fair to both parties will be obtained. If by
 33 reason of the shortness of the time during which the employee has been
 34 in the employment of the employer or of the casual nature or terms of
 35 the employment it is impracticable to compute the average weekly
 36 wages for the employee, the employee's average weekly wages shall be
 37 considered to be the average weekly amount that, during the fifty-two
 38 (52) weeks before the date of disability, was being earned by a person
 39 in the same grade employed at the same work by the same employer or,
 40 if there is no person so employed, by a person in the same grade
 41 employed in that same class of employment in the same district.
 42 Whenever allowances of any character are made to an employee



1 instead of wages or a specified part of the wage contract, they shall be
2 considered a part of the employee's earnings.

3 (w) The provisions of this article may not be construed to result in
4 an award of benefits in which the number of weeks paid or to be paid
5 for temporary total disability, temporary partial disability, or permanent
6 total disability benefits combined exceeds five hundred (500) weeks.
7 This section shall not be construed to prevent a person from applying
8 for an award under IC 22-3-3-13. However, in case of permanent total
9 disability resulting from a disablement occurring on or after January 1,
10 1998, the minimum total benefit shall not be less than seventy-five
11 thousand dollars (\$75,000).

12 SECTION 4. **An emergency is declared for this act.**

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SENATE MOTION

Mr. President: I move that Senator Craycraft be added as second author of Senate Bill 430.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill No. 430, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 22-3-1-4 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:** **Sec. 4. (a) As used in this section, "attorney's fees" means the fees requested for compensation for service provided by an attorney to a claimant under the worker's compensation law and the worker's occupational diseases law as provided under section 3(b)(3) of this chapter.**

(b) As used in this section, "board" refers to the worker's compensation board established under section 1 of this chapter.

(c) As used in this section, "claim" refers to a claim for compensation under IC 22-3-2 through IC 22-3-7 filed with the board.

(d) The board shall adopt rules under IC 4-22-2 to amend its schedule of attorney's fees applicable to all claims filed on or after September 1, 2003, except as provided in subsection (e), to reflect the following attorney's fees:

- (1) A minimum of one hundred dollars (\$100).**
- (2) Twenty percent (20%) of the first ten thousand dollars (\$10,000) of recovery.**
- (3) Fifteen percent (15%) of the second ten thousand dollars (\$10,000) of recovery.**
- (4) Ten percent (10%) of recovery over twenty thousand dollars (\$20,000).**

(e) The board maintains continuing jurisdiction over all attorney's fees in claims before the board and may order a different attorney's fee schedule or allowance for a claim."

Page 16, after line 27, begin a new paragraph and insert:

"SECTION 4. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 430 as introduced.)

HARRISON, Chairperson

Committee Vote: Yeas 8, Nays 0.

SB 430—LS 7803/DI 102+



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